

GERALDINE A. REILLY
CHAIRMAN

MICHAEL T. GREASON
RANDALL T. DOUGLAS
JUNE F. O'NEILL
MARILYN P. O'MARA
MEMBERS



Unemployment Insurance Appeal Board

PO Box 15126
Albany, NY 12212-5126
TEL: (518) 402-0205
FAX: (518) 402-6208
www.uiappeals.ny.gov

KATHLEEN MANNIX
ACTING EXECUTIVE DIRECTOR/SECRETARY

TRACIE L. COVEY
ACTING CHIEF ADMINISTRATIVE LAW JUDGE

MARK R. SOKOLOWSKI
CHRISTOPHER M. TATE
JUSTIN DENTON
PRINCIPAL ADMINISTRATIVE LAW JUDGES

Board Meeting Minutes

Date: Wednesday, July 20, 2022

Location: Menands, NY

Present:

Geraldine A. Reilly, Chair
Randall T. Douglas, Member (via videoconference from Jay, NY)
Michael T. Greason, Member (via videoconference from Brooklyn, NY)
Marilyn P. O'Mara, Member (via videoconference from Elmira, NY)
June F. O'Neill, Member (via videoconference from Canton, NY)
Kathleen Mannix, Acting Executive Secretary
Tracie Covey, Chief Administrative Law Judge
Christopher M. Tate, Principal Administrative Law Judge

Agenda:

1. Welcome and Call to Order
 2. Roll Call
 3. Reading and adoption of agenda
 4. Reading and adoption of minutes – January 19, 2022, meeting
 5. Executive Director's report
 6. Principal ALJ for Appeals Report
 7. Other
 8. Adjourn
- **Welcome and Call to Order**
 - Board Chair Geraldine Reilly began her remarks by welcoming all attending and those watching remotely, to this meeting of the New York State Unemployment Insurance Appeal Board, which was the second meeting of 2022. She added that she was located at the Board's Headquarters in Menands, New York.
 - Chair Reilly announced that since the last meeting, the UIAB has had a change in leadership at the Board. Tracie Covey who had served as the Board's Executive Director/Secretary has been nominated to serve as Chief Administrative Law Judge. She added that Tracie and has been instrumental in the success of the Board both through and after the Pandemic. Reilly continued by congratulating Tracie on her promotion!

- Board Chair Reilly continued her remarks by announcing that Senior ALJ Kathleen Mannix has been nominated to serve as the Board's Executive Director/Board Secretary, and she congratulated Kathleen. Reilly added that by the next meeting, these nominations will have been processed, and you can expect Tracie and Kathleen to be leading the Board through the many challenges the UIAB will face in the years ahead. She commended them on their professional accomplishments, and expressed her gratitude for their service
- Reilly asked Tracie Covey to take the role of Board members, and a quorum was present.
- Board Chair Reilly presided from the Board's office in Menands, New York for this Wednesday, July 20, 2022, public meeting of the Board.
- The meeting was noticed, the draft agenda published, the minutes from the previous, January 19, 2022, meeting had been circulated to the members, and the public had been invited to observe in real time. This meeting was recorded and will be made available, along with the minutes on the UIAB website, <https://uiappeals.ny.gov>
- Board Chair Reilly noted that with all members present, there was a quorum, and the meeting was recognized as the second official meeting of 2022.
- Chair Reilly expressed her gratitude to all of those who have supported the work of the Board in addressing the many tasks that they faced, including the staff and leadership of all UIAB offices and her colleagues on the Board for their work, encouragement, and support.
- Reilly noted that this was the second meeting of 2022; and her hope that the consistent, quarterly schedule of Board meetings presents a Board that is proactive and accessible - and a Board which aggressively addresses the 21st century challenges that we face or that we anticipate—and that we address those tasks with optimism and confidence in the skill and effort of our many talented employees.
- Chair Reilly went on to say that each Board Member, and each staff member is serious and interested—industrious and engaged in their approach to the important work that we do, and she sincerely thanked them for that.
- Chair Reilly went on to say that “Every day, the UIAB leadership team works to better this organization and to better serve the people of New York State. As you will hear in the reports, we are now training a cadre of new ALJs who will be instrumental in shaping the future of the Board. All involved in mentoring and nurturing our new judges should be commended—sharing their experiences and imparting personal knowledge is an invaluable training tool”.
- Reilly also wanted to acknowledge and thank our Executive Director and Board Secretary Tracie Covey, who is based in Syracuse but who was appearing in Menands, and who has worked tirelessly to advance the Board and our Mission. Adding that

Tracie, has taken on the work of the Chief ALJ and will soon be fully established in that very consequential position. Chair Reilly thanked Principal ALJ for Appeals Christopher Tate, who was also appearing in Menands for his work and dedication in these very trying times.

- Chair Reilly also acknowledged Senior ALJ Kathleen Mannix who was appearing in Menands, for her work and her continuing efforts to improve and amplify excellence.
- Reilly continued by thanking Melissa Sousa for taking minutes, and Caitlin Smith and Amy Higby who assisted with technology for this meeting.
- Board Chair Reilly announced that after this meeting there would be a training session presented by ALJ Alex Slichko regarding COVID-19 vaccination refusal cases.
- Chair Reilly took a moment before she called the meeting to order to remind members, staff and the public that the next public meeting of the Board will be held on Wednesday, October 19, 2022, at 11:00 a.m.
- The meeting was called to order at 11:07 a.m.

○ **Roll Call**

- Attendance was taken. All Board Members were present.

○ **Reading and adoption of the agenda**

- Member Randall Douglas moved to accept the agenda
- Member Michael Greason seconded the motion
- Motion to accept agenda adopted unanimously

○ **Reading and Adoption of the minutes, from the January 19, 2022, Board Meeting**

- Member Michael Greason moved to waive the reading and to adopt the minutes
- Member June O'Neill seconded the motion
- Motion to suspend reading and adoption of the minutes unanimously approved

○ **Director's Report - Tracie Covey**

- Staffing News:
 - The judicial and administrative staffing level is currently at 123 employees. The UIAB has three new ALJs that were hired in January and April who have completed the first round of our comprehensive new hire training and are holding hearings.

- As you may remember the UIAB hired approximately 10 judges last year. Those judges have continued to progress through trainings and are all on full calendar at this point. Tomorrow they will be provided with a refresher training on decision writing and the topic of total unemployment. Later this summer, they will receive training on status and contributions cases.
- Covey continued by reporting that administrative staffing has remained relatively stable. Over the last few months, the UIAB has hired several new individuals to replace staff who have left for other opportunities, but overall numbers have remained consistent. We continue to regularly evaluate if additional staff are needed based on projected inventory and retirements.
- Technology:
 - The UIAB computer refresh was completed earlier this year. All employees now have laptops that run a newer operating system.
 - The UIAB team of subject matter experts continues to move forward with the UISIM computer modernization project. The design for the appeals section of the system has been approved and the project has an anticipated completion date of October 2023.
 - Covey also reported that the UIAB Business Systems Analyst (BSA) team has been extremely busy this year. Through their hard work, the UIAB has a new and improved searchable attorney list on our website, a presence on social media, and they are in the process of compiling the results of an online customer satisfaction survey.
 - The UIAB is also in the process of developing a new IVR phone system. Once this system goes live, the UIAB will have one central number and the system will have automated prompts that will allow the caller to be routed to the proper person to answer their questions.
 - Covey ended the technology report by stating that the UIAB also continues to evaluate the appropriate timeline for implementation of a virtual hearing system.
- Agency Statistics:
 - UIAB is still not in compliance with USDOL acceptable level of performance markers, however, case age continues to decrease. The validated data as of June 2022 shows that the Lower Authority average case age was 31.55 days, very close to the 30-day acceptable level of performance.
 - Covey added, although the UIAB is still not meeting compliance standards with 30 and 45-day time lapse markers, with only 12% of cases being decided within 30 days and 65% of cases being decided within 45 days, these numbers are also trending in the right direction.

- Covey pointed out that the case age and time lapse statistics are still out of compliance due to circumstances outside of our control – namely that the majority of the cases we receive from DOL are already too old for us to meet the USDOL timeliness markers.
- The UIAB is also still out of compliance with USDOL acceptable level of performance standards for the Higher Authority but again, case age is decreasing. Validated data for June 2022 shows that the average case age is 51.11, which is above the 40-day USDOL marker (but a decrease from the 61 days that was last reported). This case age has been slowly decreasing as our ALJs address the backlog of higher authority cases.
- QA/FQR:
 - Covey reported on the latest federal quality review results. For the first quarter of 2022, the UIAB ALJs' average grade was 98.19%. At this time, New York is considered a large volume state based on the number of decisions we issue so the UIAB is required to audit 40 randomly selected cases each quarter and score them according to the 31 federal quality criteria.
 - All of our cases achieved the U.S. Department of Labor's passing grade of 85% or better, easily surpassing the acceptable level of performance related to our quality of work. Twenty-six of the 40 hearings scored had perfect scores of 100.
 - Executive Director Covey concluded her report by stating that the UIAB continues to administer our own Quality Assurance Program – auditing over 140 hearings every quarter. The audits focus on the fundamental elements of fair hearings and decisions and the results show that UIAB judges are consistently providing excellent due process to the parties that appear before them.
- Chair Reilly asked for questions or comments
 - Chair Reilly commended Executive Director Tracie Covey on her many accomplishments as Executive Director.
 - Reilly also added that there is now a searchable attorney list on the UIAB website, which is a result of the work of the BSA team, and the UIAB now has a social media presence. These have been welcomed improvements to UIAB customer service.
- Member Marilyn O'Mara moved to accept the report into the record. Member Michael Greason, seconded. The report was unanimously accepted into the record.
- **Principal ALJ Report - Christopher Tate**
 - Principal ALJ Tate discussed four cases affirmed by the Court:
 - *Matter of Sanna*, 202 AD3d 1214

- *Matter of Lamo*, 2022 N.Y.App.Div. LEXIS 3334
- *Matter of Hossain*, 2022 N.Y.App.Div. LEXIS 3333
- *Matter of Mikheil*, 2022 N.Y.App.Div. LEXIS 3984
- Chair Reilly asked for questions
 - Chair Reilly thanked PALJ Tate for his informative, timely and topical report.
- Motion to adopt the report and incorporate into the record was made by Member Marilyn O'Mara. Member Randall Douglas seconded the motion which was unanimously adopted.
- **Other**
 - Chair Reilly asked for new business and hearing none asked for a motion to adjourn
- **Adjourn**
 - Member Michael Greason moved to adjourn the meeting and Member Marilyn O'Mara seconded the motion. The motion to adjourn was unanimously adopted. The meeting was adjourned at 11:27 a.m.

Adopted January 18, 2023